



ITEM NO. 8

STAFF REPORT

DATE: OCTOBER 4, 2011
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD FOSTER, CITY MANAGER
PREPARED BY: MARK TOMICH, DEVELOPMENT SERVICES DIRECTOR
SUBJECT: DELEGATION OF RENT REVIEW COMMISSION DUTIES TO CODE ENFORCEMENT AND HOUSING ADVISORY APPEALS BOARD

RECOMMENDED ACTION

It is recommended that the City Council approve and adopt a Resolution to temporarily delegate Rent Review Commission duties to the Code Enforcement and Housing Advisory Appeals Board ("CEHAAB"), and direct staff to return with an amendment to CMC Section 15.48.060 to authorize permanent delegation of Rent Review Commission duties to CEHAAB.

GOAL STATEMENT

The proposed action will support the City's goal to ensure compliance with municipal codes and regulations.

BACKGROUND

In 1989, the City Council adopted a Mobilehome Park Rent Stabilization Ordinance (Ord. 0-19A-89 § 1.01) to, in part, "protect mobilehome owners from unreasonable rent increases."¹ The Ordinance essentially limits annual rent increases to a maximum of sixty percent (60%) of the percentage change in the consumer price index per year. The Ordinance also established a "Rent Review Commission" to hear concerns and disputes regarding implementation of the Ordinance, including "petitions for rent decrease" and "petitions for special rent adjustment" (CMC Section 15.48.360-390).

The Rent Review Commission met infrequently during the 1990s; the last documented meeting being held on December 5, 2001. Terms for the last Commissioners appear to have expired in December 2004. In July 2011, staff was contacted by residents of Reche Canyon Mobile Estates regarding rent adjustments that residents argue are in excess of increases permitted by the Rent Stabilization Ordinance. Initial contacts and meetings were followed by a petition signed by twenty-six residents, appealing the rent increases. Staff has met with both residents and

¹ CMC Chapter 15.48, Section 15.48.020(C)

management company representatives with the objective of resolving the dispute. As of this date, residents are seeking to have the appeal heard and decided upon by an authorized hearing body.

ISSUES/ANALYSIS

The City has received a petition to appeal the rent increases, to which it must respond in accordance with the Rent Stabilization Ordinance. Due to limited demand for hearings before the Rent Review Commission, staff does not recommend that the Commission be reconstituted. Instead, staff recommends temporary delegation of duties, followed by an amendment to the Ordinance to establish a permanent alternative hearing body. Due to the code enforcement and housing-related issues that come before the CEHAAB, staff believes that the CEHAAB is the appropriate body to hear and act upon mobilehome rent appeals on both an interim and permanent basis.

FISCAL IMPACTS

There are no direct fiscal impacts associated with the action.

ALTERNATIVES

1. City Council may wish to temporarily designate to itself the Rent Review Commission duties, pending amendment to Mobilehome Park Rent Stabilization Ordinance.
2. Provide alternative direction to staff.

ATTACHMENTS

1. City Council Resolution No. R-90-11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION NO. R-90-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON,
CALIFORNIA, DELEGATING DUTIES OF MOBILEHOME RENT REVIEW
COMMISSION TO THE CODE ENFORCEMENT AND HOUSING ADVISORY
APPEALS BOARD**

WHEREAS, pursuant to Section 15.48.060 of the Colton Municipal Code, the Rent Review Commission was established to, among other things, hear and consider requests for rent adjustments in mobilehome parks within the City; and

WHEREAS, the Rent Review Commission has been unable to meet due to a lack of a quorum for several years; and

WHEREAS, the City recently received a request for rent adjustment at a mobilehome park within the City; and

WHEREAS, to provide a hearing body to consider the request for rent adjustment, the City Council desires to delegate the duties of the Rent Review Commission, as set forth in Chapter 15.48 of the Colton Municipal Code, to the Code Enforcement and Housing Advisory Appeals Board, which meets as needed to review issues relating to compliance with housing and zoning codes; and

WHEREAS, the City Council intends to consider an amendment to Section 15.48.060 of the Colton Municipal Code to designate the Code Enforcement and Housing Advisory Appeals Board as the body appointed to hear matters concerning mobilehome rent control as specified in Chapter 15.48 of the Colton Municipal Code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON
DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. Incorporation of Recitals. The City Council hereby finds and determines that the recitals of this Resolution are true and correct and are hereby incorporated into this Resolution.

SECTION 2. The City Council hereby delegates the duties of the Rent Review Commission, as specified in Chapter 15.48 of the Colton Municipal Code, to the Code Enforcement and Housing Advisory Appeals Board. The Code Enforcement and Housing Advisory Appeals Board is hereafter authorized to consider requests for rent adjustments filed by a mobilehome park owner and/or a mobilehome tenant and all other powers and duties conferred upon the Rent Review Commission in Chapter 15.48 of the Colton Municipal Code.

SECTION 3. Effective Date. This Resolution shall become effective upon its adoption.

SECTION 4. California Environmental Quality Act. The City Council hereby finds that this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15060(c)(3) [the activity is not a project as defined in Section 15378] of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this action has no potential for resulting in physical change to the environment, directly or indirectly. Therefore, no further environmental assessment is required.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2011.

SARAH S. ZAMORA
Mayor

ATTEST:

EILEEN C. GOMEZ, CMC
City Clerk